

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Jose Manuel Rodezno

Docket No. 5:06-CR-255-1D

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jose Manuel Rodezno, who, upon an earlier plea of guilty to Armed Bank Robbery and Aiding and Abetting, in violation of 18 U.S.C. §§ 2113(a), 2113(d), and 2, and Possession and Discharge of a Firearm in Furtherance of a Violent Crime and Aiding and Abetting, in violation of 18 U.S.C. § 924(c), was sentenced by the Honorable James C. Dever III, U.S. District Judge, on May 16, 2007, to the custody of the Bureau of Prisons for a term of 114 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

Rodezno was released from custody on June 3, 2015, at which time the term of supervised release commenced. On April 28, 2016, a Violation Report was submitted advising that the defendant tested positive for marijuana. Rodezno admitted drug use, was verbally reprimanded, counseled about his actions, and he was referred for outpatient substance abuse treatment. The court agreed to continue supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On December 13, 2016, the defendant tested positive for marijuana, which was confirmed through laboratory analysis on December 26, 2016. Rodezno admitted to using marijuana on December 6, 2016, and he signed an admission of drug use form.

On December 14, 2016, the defendant was charged in Wake County, Raleigh, North Carolina, with Cancelled/Revoked/Suspended Tag, Expired Registration Card/Tag, and Simple Possession of Schedule VI Controlled Substance/Marijuana (16CR768458-9). Rodezno failed to notify the probation officer within 72 hours of these charges as required. He admitted to driving with expired tags but intends on pleading not guilty to possessing marijuana.

The defendant has unserved charges/warrants in Wilson County, Wilson, North Carolina, for Attempted Uttering and Attempt to Obtain Property by False Pretense (16CR54450). According to the Warrant for Arrest, the defendant attempted to cash a forged check in the amount of \$286 belonging to Leighanna Martin. Rodezno vehemently denies guilt, and he has been instructed to promptly resolve these charges.

Due to using illegal drugs and failing to notify the probation officer of the aforementioned charges as instructed, we are recommending that he be placed on the home detention program for a period of 90 days. Additionally, the probation office is recommending to continue supervision pending the adjudication of these new charges. If a conviction occurs or further violations are detected, the court will be informed immediately. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2338
Executed On: January 5, 2017

ORDER OF THE COURT

Considered and ordered this 23 day of January, 2017, and ordered filed and made a part of the records in the above case.

James C. Dever III
James C. Dever III
Chief U.S. District Judge